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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Capital Habeas Unit

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February 2, 2017

Honorable Edward G. Smith
United States District Court
Holmes Building
101 Larry Holmes Drive, 4th Floor
Easton, PA 18042

Re: *Cox v. Beard*, Case Nos. 2:10-cv-02673-EGS,
2:00-cv-05188-EGS & 2:00-cv-05289-EGS

Your Honor,

Pursuant to your Order of December 1, 2016, I am writing to inform you that the Pennsylvania Superior Court has now ruled in the two outstanding cases. Consequently, Petitioner has now exhausted his state court remedies and all three cases are properly before you.

I have spoken with counsel for Respondents, Susan Affronti, about the best way to proceed in these complicated, interrelated matters. It is our suggestion that we first proceed on No. 00-5188 (Davis). This is the Rule 60(b) issue that was remanded by the Third Circuit to the District Court for further consideration. *See Cox v. Horn*, 757 F.3d 113 (3d Cir. 2014).

Due to the passage of time, the parties agree that updated briefing is in order. We suggest that Petitioner be given ninety (90) days to submit an updated memorandum of law and that Respondents be granted ninety (90) days following Petitioner's filing to file a response.

If Your Honor has any questions or concerns, a telephone conference would be appropriate. If Your Honor is in agreement with our suggestions, and would like me to submit a proposed order, I would be happy to do so.

Honorable Edward G. Smith

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Thank you for your consideration.

Respectfully submitted,

/s/ Stuart Lev

Stuart Lev

Counsel for Petitioner

cc: Susan Affronti, Esq.